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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,914	08/31/2001	Donald J. Remboski	IA00012	2193

22863 7590 08/05/2003

MOTOROLA, INC.  
CORPORATE LAW DEPARTMENT - #56-238  
3102 NORTH 56TH STREET  
PHOENIX, AZ 85018

EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/943,914

Applicant(s)

REMBOSKI ET AL.

Examiner

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2003 has been entered.

### ***Response to Amendment & Arguments***

2. The amendments along with the arguments filed therewith on May 13, 2003 have been entered and carefully considered by the examiner.

In particular, Applicant argued that the applied prior art do not teach "an active network, a vehicle including the active network, a first device and a second device communicatively coupled by the active network, and a data packet, wherein the data packet has an active portion".

The examiner agrees that the applied prior art do not teach a vehicle including an active network, a first and second devices communicatively couple by the active network. However, other prior art have been discovered.

Rogerson {US 2003/0093798A1, hereafter Rogerson} have been discovered to disclose the claimed limitations.

A new ground of rejection is applied against the claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogerson in view of Muller et al [6,389,468].

Rogerson discloses a modular entertainment system configured for multiple broadband contents delivery incorporating a distributed server. According to Rogerson, there is provided an apparatus (entertainment system) comprising an active network (distributed network serve, wireless LAN), a vehicle (aircraft or other vehicles) and first and second devices (plurality of devices) communicatively coupled through the active network. See abstract. Rogerson does not particularly disclose the data packet having a header portion, a data portion, a trailer portion and an active portion. Muller et al, on the other hand, discloses a method and apparatus de distributing network traffic processing on a multiprocessor computer. According to Mullet al, a plurality of computers (devices) is communicatively coupled by an active network, where a data packet is provided for communicating data between the computers or devices. As depicted in figure 2 and described in the specification at pages 12-13, the data packet comprises a header portion, a data portion, a trailer portion and an active portion. According further to Muller et al, the active portion of the data packet is integrated with either the header portion, or the data portion o the trailer portion. See column 2. Furthermore, as described in column 6,

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for example, the active portion of the data packet comprises a plurality of active network elements coupled by connection media, wherein the active portion contains active data related to the configuration of the active network elements. Still in column 6, the active network elements can be a switch, a router or a bridge. As described in column 9, for example, Muller et al discloses a packet state, wherein the active network is operable to communicate the data packet correspond to the packet state. See also columns 11-12. The apparatus of Muller et al can be used as in a vehicle. Thus, it would have been obvious to one skilled in the art at the time of the invention to look into the distributing network art to modify the vehicle network of Rogerson by incorporating the features from the distributing network traffic processing of Muller et al because such modification, as suggested by Muller et al, would provide an efficient transfer of data, thereby improving traffic and providing adequate performance.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogerson in view of Macera et al [5,490,252].

Rogerson discloses a modular entertainment system configured for multiple broadband contents delivery incorporating a distributed server. According to Rogerson, there is provided an apparatus (entertainment system) comprising an active network (distributed network server, wireless LAN), a vehicle (aircraft or other vehicles) and first and second devices (plurality of devices) communicatively coupled through the active network. See abstract. Rogerson does not particularly disclose the data packet having a header portion, a data portion, a trailer portion and an active portion. Macera et al, on the other hand, discloses a system having central processor for transmitting packets to

another processor, wherein the processors (devices) are communicatively coupled by an active network and a data packet is provided for communication of data between the processors. According to Macera et al, the data packet includes a header portion, a data portion, a trailer portion and an active portion. Macera et al also discloses that the active portion include includes a plurality of active network elements, wherein the active portion contains active data related to the configuration of the active network elements, and wherein at least one of the active network elements comprise a switch, a bridge or a router. See columns 1, 3-4 and 15-16. additionally, Macera et al discloses that the active portion contains active network timing information. See column 2. In addition, Macera et al discloses a packet state, wherein the active network is operable o communicate the data packet correspond to the packet state, and that the active portion of the data packet can be integrated with either the header portion, or the data portion o the trailer portion. Therefore, it would have been obvious to one skilled in the art at the time of the invention to look into the field of transmitting generic packets to modify the vehicle network of Rogerson by incorporating the features from the internetworking system for exchanging packets of information between networks of Macera et al because such modification, as suggested by Macera et al, would provide maximum reliability, flexibility and performance capability.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,202,008

Beckert et al

Mar. 2001

FR2815736A1

Loubeyre

Apr. 2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj  
July 30, 2003

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER